

C. Facts

5. Plaintiff and other similarly situated employees of Defendant who worked as bus drivers were unlawfully denied overtime compensation by Defendant in that they were paid straight time for all hours worked, including hours which were in excess of forty hours per week.

6. Hodge was a full time, non-exempt employee of Metro. Hodge was hired at an hourly rate of \$17.77. Hodge was employed by Metro as a bus operator. Hodge's job duties included driving bus routes and picking up and delivering passengers to their destinations. In performing these duties, Hodge was regularly required to work over forty hours per week.

7. As a non-exempt employee, Hodge was entitled to overtime pay of one and one half his hourly rate of \$17.77 per hour. 29 U.S.C. § 207(a). However, Hodge was not compensated for all hours worked in excess of forty hours at one and one half times his regular rate. Instead, Hodge was paid straight time for the hours he worked in excess of forty hours per week. Metro's practice of failing to pay Hodge time and one half for overtime hours is a violation of the FLSA.

8. The illegal pattern or practice on the part of Metro with respect to overtime compensation for Hodge was in violation of the FLSA. No exemption excuses Metro from paying Hodge his overtime rate for overtime hours worked, nor has Metro made a good faith effort to comply with the FLSA. Rather, Metro knowingly, willfully or with reckless disregard, carried out its illegal pattern or practice regarding overtime compensation and the payment of wages to Hodge.

D. FLSA Violations / Collective Allegations

9. The foregoing facts demonstrate that Defendant has wilfully violated the Fair Labor Standards Act with regard to Plaintiff and all other similarly situated employees.

E. Damages

10. The FLSA violations of the Defendant give rise to the following damages: back wages, liquidated damages, prejudgment interest, and attorney fees.

F. Prayer

11. WHEREFORE, Plaintiff respectfully requests judgment be entered in his favor awarding him:

- a. Overtime wages for all unpaid hours worked in excess of 40 hours per week at the rate of one and one half times his regular hourly wage;
- b. An equal amount as liquidated damages as allowed under the FLSA;
- c. An injunction against future violations;
- d. Reasonable attorney's fees, costs and expenses of this action as provided by the FLSA; and
- e. Such other and further relief as may be required by law.

Respectfully submitted,

By: /s/ Albert T. Van Huff

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